

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

CIVIL ACTION FILE NO. 7:19-CV-156-BO

NEIGHBORHOOD NETWORKS)	
PUBLISHING, INC.,)	
Plaintiff)	
)	
v.)	MOTION FOR DEFAULT
)	JUDGMENT
N2 DIGITAL MARKETING, INC.,)	
Defendant)	

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1(b), Plaintiff Neighborhood Networks Publishing, Inc. ("Plaintiff N2"), by and through the undersigned counsel, hereby moves the Court for default judgment against Defendant N2 Digital Marketing, Inc. ("Defendant"). In support of this Motion, Plaintiff N2 shows the Court as follows:

1. The Court entered default against Defendant on October 24, 2019 pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Civil Rule 55.1. (D.E. #12).
2. Defendant has failed to plead, defend, or otherwise respond to Plaintiff N2's Complaint or the Court's Entry of Default.
3. Defendant is a corporate entity and is not an infant, an incompetent person, or in the military service of the United States.
4. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, 1338, and has personal jurisdiction over the parties.

5. Defendant has infringed Plaintiff N2's Marks, including
 - a. N2's Trademarks, which are:
 - i. U.S. Trademark Registration No. 4,095,430 (the N2 PUBLISHING mark),
 - ii. U.S. Trademark Registration No. 5,771,330 (the N2DIGITAL mark), and
 - iii. the N2 common law mark, and
 - iv. the word form of the N2 PUBLISHING common law mark, and
 - b. N2's Trade Names, which are:
 - i. N2,
 - ii. N2 Publishing,
 - iii. N2Digital, and
 - iv. Neighborhood Networks Publishing.

6. Defendant is in default and has such denied Plaintiff N2 access to evidence necessary to establish the amount of actual damages.

7. Plaintiff N2 is entitled to a permanent injunction against Defendant to prevent further infringement of N2's Marks.

WHEREFORE, Plaintiff Neighborhood Networks Publishing, Inc. respectfully requests that:

1. The Court grant this Motion for Default Judgment against Defendant.

2. The Court enter an Order finding that Plaintiff N2 is the owner of the entire right, title, and interest in and to N2's Marks, in stylized or design logo form and in word form.

3. The Court enter an Order finding that Plaintiff N2's rights in N2's Marks are valid and enforceable.

4. The Court enter an Order finding that Defendant has infringed Plaintiff N2's Marks in violation of 15 U.S.C. § 1114 and as a matter of common law.

5. The Court enter an Order finding that Defendant engaged in unfair competition in violation of 15 U.S.C. § 1125(a) and as a matter of common law.

6. The Court enter an Order finding that Defendant, its agents, servants, officers, employees, attorneys, and all persons in active concert or participation with them, be permanently enjoined and restrained from:

- a. Using N2's Marks, and all other designations, designs, and indicia which are likely to cause confusion, mistake, or deception with respect to Plaintiff N2's Marks; and
- b. Using any and all of the infringing trademarks and trade names, including **N2, N2 DIGITAL, N2 DIGITAL**

MARKETING,



and



DIGITAL MARKETING

; and

c. Violating any proprietary rights of Plaintiff N2.

7. The Court enter an Order requiring the Defendant to deliver up for impounding and destruction all of Defendant's products, fixtures, writings, signage, artwork, copies, and other materials which infringe Plaintiff N2's rights.

8. The Court enter an Order directing Defendant to file with the Court and serve on Plaintiff N2, within thirty (30) days after the service of an injunction, a written report under oath setting forth in detail the manner and form in which Defendant has complied with this injunction.

9. Plaintiff N2 be granted such further relief as the Court deems just and proper.

This the 17th day of January, 2020.

/s/Alex C. Dale

Alexander C. Dale

N.C. State Bar I.D. No.: 28190

email: acd@wardandsmith.com

Ward and Smith, P.A.

Post Office Box 7068

Wilmington, NC 28406-7068

Telephone: 910.794.4800

Facsimile: 910.794.4877

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2020, I electronically filed MOTION FOR DEFAULT JUDGMENT with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed the document to the following non-CM/ECF participants:

N2 Digital Marketing, Inc.
c/o Mark A. Kiroff, Registered Agent
5336 South 145th Street
Omaha, NE 68137

/s/Alex C. Dale
Alexander C. Dale
N.C. State Bar I.D. No.: 28190
email: acd@wardandsmith.com
For the firm of
Ward and Smith, P.A.
Post Office Box 7068
Wilmington, NC 28406-7068
Telephone: 910.794.4800
Facsimile: 910.794.4877
Attorneys for Plaintiff

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